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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,418	10/16/2003	William E. Welnick	33692.03.3199	7981
23418	7590	09/26/2005	EXAMINER	
VEDDER PRICE KAUFMAN & KAMMHOLZ			MILLER, BRANDON J	
222 N. LASALLE STREET			ART UNIT	
CHICAGO, IL 60601			PAPER NUMBER	
			2683	

DATE MAILED: 09/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,418	Applicant(s) WELNICK ET AL.	
	Examiner Brandon J. Miller	Art Unit 2683	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/16/2003 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Storm in view of Jou.

Regarding claim 1 Storm teaches a circuit for producing a pilot strength measurement comprising: receiving long term filtered measurement data corresponding to at least one pilot signal, and in response, operative to produce the pilot measurement including at least the received long term filtered measurement data (see abstract and col. 5, lines 16-22). Storm does not specifically teach producing a pilot strength measurement message and a pilot strength measurement message generator. Jou teaches a pilot strength measurement message and a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message generator because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 2 Storm teaches receiving short term filtered measurement data corresponding to the at least one pilot signal (see col. 3, lines 7-16). Storm teaches wherein the pilot strength measurement further includes at least the short term filtered measurement data if a

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strongest pilot signal is represented by corresponding long term filtered measurement data less than a threshold (see col. 5, lines 16-32). Storm does not specifically teach a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message generator because it would allow for an improved method for pilot channel acquisition.

Regarding claim 3 Storm teaches receiving short term filtered measurement data corresponding to the at least one pilot signal, and wherein the at least one pilot signal includes at least one of an active set of pilot signals, and a candidate set of pilot signals such that the pilot strength measurement further includes at least the short term filtered measurement data based on at least one of a number of pilot signals in the active set, and a number of pilot signals in the candidate set (see col. 3, lines 7-16). Storm does not specifically teach a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message generator because it would allow for an improved method for pilot channel acquisition.

Regarding claim 4 Storm teaches receiving short term filtered measurement data corresponding to the at least one pilot signal, and wherein the pilot strength measurement includes at least the long term filtered measurement data if a strongest pilot signal represented by corresponding long term filtered measurement data is greater than a threshold (see abstract and col. 9, lines 54-67). Storm does not specifically teach a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art

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at the time the invention was made to make the device adapt to include a pilot strength measurement message generator because it would allow for an improved method for pilot channel acquisition.

Regarding claim 5 Storm and Jou teach a device as recited in claim 4 except for a threshold that includes a drop threshold plus 3dB. Jou does teach a drop threshold (see paragraph [0013]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a threshold that includes a drop threshold plus 3dB because this would allow for an improved method for acquiring a pilot channel.

Regarding claim 6 Storm teaches a wireless device for producing a pilot strength measurement, comprising a first receiver operative to receive at least one pilot signal, and in response, operative to generate long term measurement data corresponding to the at least one pilot signal (see abstract and col. 5, lines 16-22). Storm teaches a second receiver operative to also receive the at least one pilot signal, and in response operative to generate short term filtered measurement data corresponding to the at least one pilot signal (see col. 3, lines 7-16). Storm teaches a first receiver and a second receiver operative to produce the pilot strength measurement including the long term filtered measurement data received from the receiver (see abstract, col. 4, lines 63-65 and col. 5, lines 1-22). Storm does not specifically teach a pilot strength measurement message and a pilot strength measurement message generator. Jou teaches a pilot strength measurement message and receivers coupled to a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength

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measurement message generator because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 7 Storm teaches a pilot strength measurement that includes at least the short term filtered measurement data if a strongest pilot signal represented by corresponding long term filtered measurement data is less than a threshold (see col. 5, lines 16-32). Storm does not specifically teach a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message because it would allow for an improved method for pilot channel acquisition.

Regarding claim 8 Storm and Jou teach a device as recited in claim 3 and is rejected given the same reasoning as above.

Regarding claim 9 Storm teaches wherein the pilot strength measurement includes at least the long term filtered measurement data if the strongest pilot signal represented by corresponding long term filtered measurement data is greater than a threshold (see abstract and col. 9, lines 54-67).

Regarding claim 10 Storm and Jou teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 11 Storm teaches a wireless device for producing a pilot strength measurement comprising; a plurality of finger receivers each operative to receive at least one of an active pilot signal and a candidate pilot signal, and in response, operative to generate corresponding long term filtered measurement data (see abstract and col. 5, lines 16-22). Storm teaches a scan search receiver also operative to receive at least one of an active pilot signal and a candidate pilot

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signal, and in response, operative to generate corresponding short term filtered measurement data (see abstract and col. 3, lines 7-16). Storm teaches a plurality of finger receivers and a scan search receiver, operative to produce the pilot strength measurement including at least the long term filtered measurement data if a strongest pilot signal represented by corresponding long term filtered measurement data generated by at least one of the plurality of finger receivers is greater than a threshold (see abstract, col. 4, lines 63-65 and col. 5, lines 1-22). Storm does not specifically teach a pilot strength measurement message and a pilot strength measurement message generator. Jou teaches a pilot strength measurement message and receivers coupled to a pilot strength measurement message generator (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message generator because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 12 Storm teaches the pilot strength measurement includes at least the long term filtered measurement data from the respective plurality of finger receivers if the strongest pilot signal represented by the long term filtered measurement data is less than the first threshold and greater than the second threshold (see col. 5, lines 8-34). Storm teaches the pilot strength measurement includes at least the short term filtered measurement data (see col. 3, lines 7-16). Storm does not specifically teach at least one of a number of candidate pilots is greater than three, and a number of active pilots is greater than one or pilot strength measurement message. Jou teaches a number of candidate pilots and a number of active pilots (see paragraph [0012]). Jou teaches a pilot strength measurement message (see paragraph [0023]). It would

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have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include at least one of a number of candidate pilots is greater than three, and a number of active pilots is greater than one or pilot strength measurement message because this would allow for an improved method for pilot channel acquisition.

Regarding claim 13 Storm and Jou teach a device as recited in claim 5 and is rejected given the same reasoning as above.

Regarding claim 14 Storm teaches a circuit for producing a pilot strength measurement comprising: receiving long term filtered measurement data corresponding to at least one of a plurality of pilot signals (see abstract and col. 5, lines 16-22), and short term measurement data corresponding to at least one of the plurality of pilot signals (see col. 3, lines 7-16). Storm teaches producing the pilot strength measurement based on at least the long term filtered measurement data, in response to receiving the long term filtered measurement data corresponding to at least one of the plurality of pilot signals, and the short term filtered measurement data corresponding to at least one of the plurality of pilot signals (see abstract and col. 9, lines 49-67). Storm does not specifically teach a pilot strength measurement message. Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 15 Storm and Jou teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Regarding claim 16 Storm teaches receiving an active set of pilot signals, and producing the pilot strength measurement including at least the short term filtered measurement data, based on at least one of a number of pilot signals in the active set, and a number of pilot signals in the candidate set (see col. 3, lines 7-16). Storm does not specifically teach receiving a candidate set of pilot signals and a pilot strength measurement message. Jou teaches receiving an active set of pilot signals and a candidate set of pilot signals (see paragraph [0012]). Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving a candidate set of pilot signals and a pilot strength measurement message because it would allow for an improved method for pilot channel acquisition.

Regarding claim 17 Storm teaches a method for producing a pilot strength measurement comprising: receiving a plurality of pilot signals and producing long term filtered measurement data corresponding to at least one of the plurality of pilot signals (see abstract and col. 5, lines 16-22). Storm teaches producing short term filtered measurement data corresponding to at least one of the plurality of pilot signals (see abstract and col. 3, lines 7-16). Storm teaches producing pilot strength measurement including at least the long term filtered measurement data corresponding to at least one of the pilot signals, when a strongest pilot signal represented by corresponding long term filtered measurement data is greater than a threshold (see abstract and col. 9, lines 54-67). Storm does not specifically teach a pilot strength measurement message. Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message because a pilot strength measurement can

be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 18 Storm teaches receiving an active set of pilot signals, and producing the pilot strength measurement including at least one of the long term filtered measurement data and the short term filtered measurement data, based on at least one of a number of pilot signals in the active set, and a number of pilot signals in the candidate set (see col. 3, lines 7-16). Storm does not specifically teach receiving a candidate set of pilot signals and a pilot strength measurement message. Jou teaches receiving an active set of pilot signals and a candidate set of pilot signals and (see paragraph [0012]). Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include receiving a candidate set of pilot signals and a pilot strength measurement message because it would allow for an improved method for pilot channel acquisition.

Regarding claim 19 Storm teaches receiving an active set of pilot signals, and producing the pilot strength measurement including at least the long term filtered measurement data when the strongest pilot signal represented by corresponding long term filtered measurement data is less than a first threshold and greater than the second threshold (see col. 5, lines 8-34). Storm does not specifically teach a drop threshold, a number of candidate pilots that is greater than one, and a number of active pilots is greater than two, and a pilot strength measurement message. Jou teaches a drop threshold (see paragraph [0013]). Jou teaches a number of candidate pilots and a number of active pilots (see paragraph [0012]). Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at

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the time the invention was made to make the device adapt to include a drop threshold, a number of candidate pilots that is greater than one, and a number of active pilots is greater than two, and a pilot strength measurement message because this would allow for an improved method for pilot channel acquisition.

Regarding claim 20 Storm teaches a memory containing instructions executable by one or more processing devices that causes the one or more processing devices to operate (see col. 4, lines 49-51). Storm teaches receiving long term filtered measurement data corresponding to at least one of a plurality of pilot signals (see abstract and col. 5, lines 16-22), and short term filtered measurement data corresponding to at least one of the plurality of pilot signals (see col. 3, lines 7-16). Storm teaches producing the pilot strength measurement based on at least the long term filtered measurement data corresponding to at least one of the pilot signals when a strongest pilot signal represented by corresponding long term filtered measurement data is greater than a threshold (see abstract and col. 9, lines 49-67). Storm does not specifically teach a pilot strength measurement message. Jou teaches a pilot strength measurement message (see paragraph [0023]). It would have been obvious to one of ordinary skill in the art at the time the invention was made to make the device adapt to include a pilot strength measurement message because a pilot strength measurement can be transmitted in the form of a message and it would allow for an improved method for pilot channel acquisition.

Regarding claim 21 Storm and Jou teach a device as recited in claim 7 and is rejected given the same reasoning as above.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

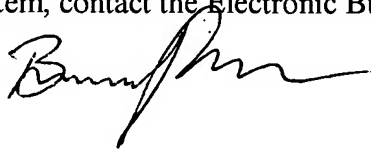
Willey U.S Patent No. 5,920,550 discloses a system, method, and apparatus for soft handoff.

Bruckert et al. U.S. Patent No. 5,987,012 discloses a method of handing off and a wireless communication device.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brandon J. Miller whose telephone number is 571-272-7869. The examiner can normally be reached on Mon.-Fri. 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



September 20, 2005



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